

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA, :
v. : CRIMINAL INDICTMENT
: NO. 1:11-CR-264-AT
ARMANDO JAIMEZ : CIVIL FILE NO.
Defendant. : 1:15-cv-737-AT

ORDER

The Magistrate Judge’s Final Report and Recommendation (“R&R”) [Doc. 657] is currently before the Court. The R&R recommends the denial of Defendant’s Motion to Vacate [Doc. 624] and the denial of a certificate of appealability (“COA”). Pursuant to 28 U.S.C. § 636(b)(1), the Court reviews any portion of the R&R that is the subject of a proper objection on a *de novo* basis and any non-objected portion on a “clearly erroneous” standard.

Defendant has filed no objections to the R&R. The Court therefore has reviewed the Defendant’s motion, the record as a whole, and the R&R for clear error. The Court has identified no clear error. Moreover, it finds that the Magistrate Judge has provided a correct assessment of the facts, posture of the case before trial and plea, and the mandatory minimum

sentencing consequences (not less than ten years of incarceration) if Defendant had risked exposing himself to sentencing or trial on Count One.

Accordingly, the Court **ADOPTS** the R&R [Doc. 657] and **DENIES** the Defendant's Motion to Vacate [Doc. 624]. The Court further **DENIES** a COA in connection with this motion.

It is so **ORDERED** this the 31st day of May, 2016.



Amy Totenberg
United States District Judge